

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BESSEMER SYSTEM FEDERAL CREDIT
UNION, on behalf of itself and its members,**

Plaintiff,

vs.

Case No. 2:19-cv-00624-RJC

**FISERV SOLUTIONS, LLC, f/k/a FISERV
SOLUTIONS, INC., and FISERV, INC.,**

Defendants.

**NOTICE OF THE FEDERAL GOVERNMENT'S
INTERESTS PURSUANT TO 12 C.F.R. § 792.40**

Pursuant to 12 C.F.R. § 792.40, plaintiff Bessemer System Federal Credit Union (“Bessemer”) provides notice that (1) certain discovery sought by defendants constitute nonpublic records belonging to the National Credit Union Administration, the federal government agency that regulates, insures, and conducts supervisory examinations of Bessemer, and such records are exempt from disclosure under federal law; and (2) defendants’ proposed confidentiality order unlawfully interferes with the National Credit Union Administration’s authority to conduct supervisory examinations as well as Bessemer’s obligation under federal law to provide unrestricted access to its books and records to the National Credit Union Administration.

Bessemer has attempted to meet and confer with defendants multiple times regarding these issues, but with no resolution. These issues are among the ones that the Court will refer to the Special Master pursuant to the Court’s April 27, 2022 order (ECF No. 183).

Annexed hereto is a copy of a letter from the National Credit Union Administration dated May 4, 2022 setting forth the federal government’s interests regarding the motions and discovery

requests filed by defendants. Bessemer requests that the Court consider the federal government's interests when evaluating defendants' motions and discovery requests.

Dated: May 4, 2022

Respectfully submitted,

/s/ Charles J. Nerko

Charles J. Nerko (NY 4764338)
Benjamin M. Wilkinson (NY 4927661)
Sarah A. O'Brien (*pro hac vice* to be filed)

BARCLAY DAMON LLP

80 State Street

Albany, NY 10020

(518) 429-4200

cnerko@barclaydamon.com

bwilkinson@barclaydamon.com

sobrien@barclaydamon.com

Richard J. Parks (PA 40477)

PIETRAGALLO, GORDON, ALFANO,

BOSICK & RASPANTI, LLP

7 West State Street, Suite 100

Sharon, PA 16146

(724) 981-1397

rjp@pietragallo.com

Counsel for Plaintiff

Bessemer System Federal Credit Union